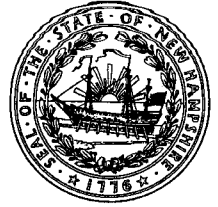




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-57**

September 22, 2004

Denise Palombo
12 Twin Post Road
Westwood MA 02090-2768

RE: DES Wetlands File #2000-00251 Beede Road, Moultonborough Tax Map 6, Lot 22

Dear Ms. Palombo:

On August 11, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Moultonborough Tax Map 6 as Lot 22 (the "Property"). The purpose of the inspection was to determine whether the Property is in compliance with RSA 482-A, NH Code of Admin. Rules Wt 100-700 and Wetlands and Non-site Specific Permit #2000-00251 (the "Permit"). The Permit authorized installation of U-shaped docking facility consisting of two 6' x 40' seasonal piers connected by a 6' x 11'11" walkway and removal of several rocks.

During the inspection the following deficiencies were documented:

1. Both seasonal piers measure 40'6" from normal high water, which is 6" longer than authorized by the Permit.
2. Two sections of new rock retaining wall measuring a total of 28' were constructed on the shore adjacent to the walkway and landward end of the seasonal piers without a permit from DES.
3. A review of DES records indicates that to date the Department has not received a copy of the Permit that was recorded with the Registry of Deeds Office. Specific Condition #2 of the Permit required that "This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction."

In response, you are requested to take the following actions:

1. Within 30 days of the date of this letter please submit a restoration plan to DES for review. The restoration plan should include provisions for removal of the retaining wall and regrading and planting of the area disturbed by the removal of the wall. Submit the following with the restoration plan:

a. A plan, dimensioned or drawn to scale, showing:

- i. Existing conditions including the location of all structures on the frontage, the abutting property lines and the normal high water line (elevation 504.32 on Lake Winnepesaukee); and,
- ii. The removal of the retaining wall and revegetation of disturbed areas;

b. A detailed description of the proposed plantings for the stabilization and revegetation of the restoration areas; and,

c. A description of the construction sequence including proposed means of erosion control (silt fence, hay bales, etc.), proposed methods for accessing the site and accomplishing the work and a timeframe for completion of the work.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

3. Please reduce both seasonal piers to no greater than 40' from normal high water (elevation 504.32 on Lake Winnepesaukee) at the time of the next repairs to the docking facility.

4. Within 30 days of the date of this letter please submit a copy of the recorded Permit to DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

~~COPY~~

D. Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0696 0831

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
USACOE
Watermark Navigation Systems